

MENTAL COMPETENCY -- Standard for competence to stand trial Rev. 12/2009

The United States Supreme Court established the federal standard for competence to stand trial in *Dusky v. United States*, 362 U.S. 402, 80 S. Ct. 788, 4 L.Ed.2d 824 (1960). The *Dusky* standard requires two things: first, that a criminal defendant have "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding;" and second, that the defendant have "a rational as well as factual understanding of the proceedings against him." *Dusky v. United States*, 362 U.S. 402, 80 S. Ct. 788, 789, 4 L.Ed.2d 824 (1960).

The federal standard has been widely adopted by the states, including Arizona. Rule 11.1, Ariz. R. Crim. P., provides: "A person shall not be tried, convicted, sentenced or punished for a public offense . . . while, as a result of a mental illness, defect, or disability, the person is unable to understand the proceedings against him or her or to assist in his or her own defense." "Our Rules of Criminal Procedure provide a framework for making the necessary determination of competency. Rule 11.1 states the *Dusky* test." *Bishop v. Superior Court*, 150 Ariz. 404, 406, 724 P.2d 23, 25 (1986).